



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 11 2009

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas Cozza
Safety, Sanitation and Compliance Manager
Clear Lam Packaging, Inc.
1950 Pratt Boulevard
Elk Grove Village, Illinois 60007

Re: Notice of Violation and Request for Information Pursuant to Section 3007 of the
Resource Conservation and Recovery Act, 42 U.S.C. § 6927, to Clear Lam Packaging, Inc.
EPA I.D. No.: ILD 984 805 317

Dear Mr. Cozza:

To be eligible for the exemption from having a hazardous waste storage permit, Clear Lam Packaging, Inc. (Clear Lam Packaging) must be in compliance with the conditions of 35 IAC § 722.134(a) and (c) [40 CFR § 262.34(a) and (c)]. Based on information provided by Clear Lam Packaging in response to EPA's April 10, 2009 Pre-filing Notice and Opportunity to Confer letter (Pre-filing letter), EPA has determined that Clear Lam Packaging was in noncompliance with the following condition for a hazardous waste storage permit exemption, and in violation of the following requirement:

1. A generator of hazardous waste must successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed. *See*, 35 IAC § 722.134(a)(4); 35 IAC § 725.116(a)(1) and (2) [40 CFR § 262.34(a)(4); 40 C.F.R. § 265.16(a)(1) and (2)].

Based on review of Clear Lam Packaging's May 8, 2009 response to EPA's Pre-filing letter, Clear Lam Packaging's training program was not designed to teach facility personnel hazardous waste management procedures.

2. A large quantity generator that accumulates hazardous waste on-site and does not meet the conditions for a permit exemption of 35 IAC § 722.134 and 40 CFR § 262.34 is an operator of a hazardous waste storage facility, and is required to obtain an Illinois hazardous waste storage permit. *See*, 35 IAC § 722.134(a) [40 CFR § 262.34(a)]. Upon

failing to meet the condition identified in item number 1 above, Clear Lam Packaging became an operator of a hazardous waste storage facility. Clear Lam Packaging has not applied for or received a hazardous waste storage permit nor does Clear Lam Packaging have interim status. Clear Lam Packaging's failure to apply for and obtain a hazardous waste storage permit violated the permitting requirements of 35 IAC §§ 703.121(a) and (b); 703.180(c); and 705.121(a) [40 CFR §§ 270.1(c), and 270.10(a) and (d)].

At this time, EPA is not requiring Clear Lam Packaging to apply for an Illinois hazardous waste storage permit, provided that Clear Lam Packaging immediately complies with the condition for an exemption set forth in the regulations identified above.

Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violations and requiring compliance immediately or within a specified time period.

Although this letter is not such an order, we request that you submit a response in writing to this office no later than ten (10) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above requirements. In addition, EPA requests Clear Lam Packaging to submit certain information relating to its hazardous waste training program. We are requesting this information for the purposes of determining compliance with RCRA and its implementing regulations and any state provision authorized pursuant to Section 3006 of RCRA. We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request and attached questions (Attachment A) within ten (10) days after your receipt of this letter.

Please submit your responses to this Notice of Violation and Request for Information within the designated time frames to EPA at the address below.

Jamie Paulin
RCRA Branch
Land and Chemicals Division
U.S. EPA, Region 5
77 West Jackson Blvd.
Mail Code: LR-8J
Chicago, Illinois 60604-3590

You may, under 40 CFR Part 2 Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR § 2.203(b). We will disclose the information covered by a business confidentiality claim only to extent and by means of the procedures at 40 CFR Part 2, B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice.

Clear Lam Packaging must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Clear Lam Packaging to an enforcement action under 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions regarding this letter, please have your attorney contact Tamara Carnovsky, at (312) 886-2250.

Sincerely,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosure

cc: Jacqueline M. Vidmar, Esquire
Seyfarth Shaw LLP
131 South Dearborn Street, Suite 2400
Chicago, Illinois 60603

Todd Marvel, Illinois Environmental Protection Agency